IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.970 OF 1999

IN

NOTICE OF MOTION NO.1708 OF 1997

IN

SUIT NO.719 OF 1997

Allwyn Gonsalves ...Appellant

v/s

Cardinal Simon Pimenta and ors. ...Respondents

Mr A.V. Anturkar i/b Mr V.S. Talkute for Appellant.

Mr Vinay Hegde for Respondent Nos.2 to 10.

CORAM : D.K. DESHMUKH AND J.H. BHATIA JJ.

DATE : 11TH OCTOBER 2007.

P.C. :-

1. By this appeal, the appellant who is original plaintiff, challenges the order dated 23rd February 1999 passed in notice of motion No.1708 of 1997 by the learned Single Judge of this Court. The plaintiff had taken out this notice of motion for an order restraining the defendants from transferring the suit property. The suit of the plaintiff is for a decree of specific performance of the contract. It is an admitted position that even before the suit was filed, the agreement in favour of the plaintiff was terminated and an agreement to sell the property to defendant Nos.2 to 10 was entered into in January 1997. The sale deed was also executed in favour of defendant Nos.2 to 10 in the month of April 1997. After the learned Single Judge rejected the motion, this appeal was filed and in this appeal, there was an interim order made directing the parties to maintain status-quo. We have been informed that the suit of the plaintiff is at the stage of framing issues. The learned counsel appearing for defendant Nos.2 to 10 states that the defendants shall not, without seeking leave of the Court, transfer, alienate or create third party rights in the property. We accept the statement. In our opinion in view of the statement made by the

learned counsel appearing for defendant Nos.2 to 10, no further orders are necessary in the appeal. Appeal is disposed off. Needless to say that the order of maintaining status-quo, which was operating during the pendency of the appeal, will not operate henceforth.

. Parties to act on the copy of this order duly authenticated by the Associate / Private Secretary as true copy.

. Certified copy expedited.

(D.K. DESHMUKH J.)

(J.H. BHATIA J.)